FEDERAL REGISTER

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Washington, Tuesday, March 9, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9934

CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE OPERATION OF ATOMIC ENERGY FACILITIES

WHEREAS there exists a labor dispute between the Carbide and Carbon Chemicals Corporation and certain of its employees represented by the Atomic Trades and Labor Council, AFL, involving wages and terms and conditions of employment at the Oak Ridge National Laboratory, Oak Ridge, Tennessee; and

WHEREAS in my opinion such dispute threatens to result in a strike or lock-out affecting a substantial part of an industry engaged in trade or commerce among the several States or with foreign nations, or in the production of goods for commerce, which strike or lock-out, if permitted to occur, will imperil the national safety:

NOW, THEREFORE, by virtue of the authority vested in me by section 206 of the Labor Management Relations Act, 1947 (Public Law 101, 80th Congress), I hereby create a Board of Inquiry, consisting of such members as I shall appoint, to inquire into the issues involved in such dispute.

The Board shall have powers and duties as set forth in Title II of the said Act. The Board shall report to the President in accordance with the provisions of section 206 of the said Act on or before March 19, 1948.

Upon submission of its report, the Board shall continue in existence to perform such other functions as may be required under the said Act, until the Board is terminated by the President.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 5, 1948.

[F. R. Doc. 48-2142; Filed, Mar. 5, 1948; 4:43 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PROBATIONAL APPOINTMENT

Section 2.113 (b) (2) (12 F. R. 7170) is amended to read as follows:

§ 2.113 *Probational appointment.* * * *

(b) * * *

(2) All continuous service, without regard to the type of appointment under which rendered, immediately preceding probational appointment or acquisition of status under § 3.1 (b) (5) and (7) of Rule III, which was in the same line of work and in the same agency as the position to which probationally appointed or in which status is acquired.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-2086; Filed, Mar. 8, 1948; 8:52 a. m.]

MISCELLANEOUS AMENDMENTS

Chapter I of Title 5 is amended in the following respects:

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

Section 2.103 (a) is amended to read as follows:

§ 2.103 *Qualifications of applicants.* (a) No person shall be admitted to competitive examination, nor shall he be given appointment, except temporarily in the absence of qualified citizens, unless he is a citizen of or owes allegiance to the United States: *Provided*, That until June 30, 1948, citizens of the Republic of the Philippines may be appointed pro-

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bationally on the basis of eligibility attained in examinations to which they were admitted prior to July 1, 1947. However, citizens of the Republic of Panama may be admitted to examinations for employment by, and may be appointed only to positions in, the Panama Canal and the Panama Railroad Company in the Canal Zone. The same requirements shall apply in appointment by reinstatement, conversion, and inter-agency transfer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

PART 3—ACQUISITION OF A COMPETITIVE STATUS

A new § 3.109 is added as follows:

§ 3.109 *Citizenship.* Acquisition of a competitive status under the provisions of this part shall be subject to the citizenship requirements set forth in § 2.103 (a) of this chapter. A person, otherwise eligible, who does not meet such citizenship requirements may, in the discretion of the Commission, be approved for appointment under § 3.2 of Civil Service Rule III but shall not acquire a competitive status until the citizenship requirements of § 2.103 (a) of this chapter are met. (R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Under authority of § 6.1 (a) of Executive Order 9830, Feb. 24, 1947, and at the request of the Department of the Army, the Commission has determined that the positions of student occupational therapists in Army general hospitals should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (4) is amended by the addition of a subdivision, numbered (xvi), as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(4) *Department of the Army.* * * *

(xvi) Student occupational therapist positions in Army general hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of three months' training and a maximum of twelve months' training, depending upon the individual's previous clinical training.

(Sec. 6.1 (a) E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

PART 7—REINSTATEMENT

A new subparagraph, numbered (6), is added to § 7.101 (a) as follows:

§ 7.101 *General requirements for reinstatement of persons who have competitive status* (a) * * *

(6) The applicant must be eligible under the citizenship requirements of § 2.103 (a) of this chapter.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

PART 8—PROMOTION, DEMOTION, REASSIGNMENT AND TRANSFER

A new subparagraph, numbered (4), is added to § 8.101 (a) as follows:

§ 8.101 *General requirements for promotion, demotion, reassignment, and transfer of employees who have competitive status.* (a) * * *

(4) In all interagency transfers under this part, the employee must meet the citizenship requirements set forth in § 2.103 (a) of this chapter.

PART 10—SPECIAL TRANSITIONAL PROCEDURES

A new § 10.113 is added as follows:

§ 10.113 *Citizenship.* All reappointments and interagency transfers under this part shall be subject to the citizenship requirements set forth in § 2.103 (a) of this chapter. (R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-2087; Filed, Mar. 8, 1948; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[Supp. Announcement 11]

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

SUPPLEMENTAL ANNOUNCEMENT TO TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

Effective 5:00 p. m., e. s. t., March 3, 1948, and until otherwise announced, the export differential applicable under the Terms and Conditions of the Cotton Sales for Export Program, dated April 22, 1946, as amended,[1] shall be ⅛ cent per pound of cotton, gross unpatched weight.

(Secs. 32, 2, 49 Stat. 774, 1151, as amended, sec. 203, 52 Stat. 38, 53 Stat. 975, sec. 41, 54 Stat. 627, sec. 34, 55 Stat. 407, sec. 21 (c), 58 Stat. 776; 7 U. S. C. and Sup. 612 (c), 50 U. S. C. App. Sup. 1630 (c))

Dated this 3d day of March 1948.

[SEAL] RALPH S. TRIGG,
Acting President of Commodity Credit Corporation, Authorized Representative of the Secretary of Agriculture.

[1] See 6 CFR, 1946 Supp., 295.5.

[F. R. Doc. 48-2097; Filed, Mar. 8, 1948; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

TERMINATION OF EMERGENCY PERIOD NO. 2

On January 7, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 93) regarding the termination of § 904.202 (Emergency Period No. 2, 12 F. R. 7048), which became effective by declaration of the market administrator pursuant to the applicable provisions of Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (12 F. R. 4921), that an emergency existed in said marketing area in that the milk supply available to the marketing area from producers was insufficient to meet the demand for Class I milk in the marketing area. After consideration of all relevant matters presented pursuant to the aforesaid notice, it is hereby found and determined that: (1) The milk supply available to the marketing area from producers is now sufficient to meet the demand for Class I milk in the Greater Boston, Massachusetts, marketing area and that the aforesaid emergency no longer exists; and (2) any delay in the effective date of the termination of the aforesaid emergency period beyond that herein specified would tend to jeopardize the orderly marketing of milk in the Greater Boston, Massachuetts, marketing area, and therefore publication of this termination in the FEDERAL REGISTER not less than 30 days prior to its effective date (See section 4 (c) of the Administrative Procedure Act, 60 Stat. 237) is impracticable, unnecessary, or contrary to the public interest.

It is therefore ordered, That on and after March 4, 1948, the aforesaid § 904.202 (Emergency Period No. 2) shall be and is hereby terminated.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Issued at Boston, Massachusetts, this 26th day of February 1948.

[SEAL] RICHARD D. APLIN,
Acting Market Administrator.

[F. R. Doc. 48-2071; Filed, Mar. 8, 1948; 9:00 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

UTAH

CROSS REFERENCE: For modification of Public Land Orders, 15 and 66 (tabulated in § 501.1) withdrawing public lands for the use of the War Department as an ammunition storage depot for the Chemical Warfare Service and as a Chemical Warfare Service Depot, respectively, see Public Land Order 452 under Title 43, Chapter I, *infra*.

TITLE 15—COMMERCE

Chapter II—National Bureau of Standards, Department of Commerce

PART 200—TEST FEE SCHEDULES

RADIO FIELD INTENSITY METERS

In accordance with the provisions of sections 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on this schedule of fees are unnecessary for the reason that such procedure would, because of the nature of these rules, serve no useful purpose.

These rules shall be effective upon the date of publication in the FEDERAL REGISTER.

Section 200.14–8–1 *Radio field intensity meters* (15 CFR, Part 200) to be added as follows:

§ 200.14–8–1 *Radio field intensity meters.* Two types of calibration service are available for portable field intensity meters, the abridged calibration and the complete calibration. The former gives sufficient data for practical use of a field intensity meter in the field. The latter includes the former short calibration and other tests that apply to some instruments, such as the linearity of the receiver output indicating instrument, linearity of the first detector, 1-f amplifier and output indicator, and the relation between field intensity and voltage input to the grid of the first detector.

Field intensity calibrations of meters mounted in automobiles are not made by the Bureau. Field intensity meters thus mounted can be calibrated in terms of a portable instrument to obtain the loop antenna coefficients. Internal characteristics (attenuator ratios, linearity, etc.) of such meters are made by the Bureau.

Field intensity meters are not accepted for calibration unless they are in perfect working condition. Before sending an instrument for calibration, it should be thoroughly inspected and tested, new tubes installed if necessary, or if in need of repairs, it should be sent to the manufacturer.

Item	Description	Fee
14-8-1.1	Determination of loop antenna coefficients throughout broadcast band (535–1685 kc/s, 12 frequencies or less	$60.00
14-8-1.2	Determination of loop antenna coefficients at other frequencies below or above broadcast band if in addition to Item 14-8-1.1, per frequency.	5.00
	If Item 14-8-1.1 is not included minimum fee for 10 frequencies or less	50.00
14-8-1.3	Determination of attenuator ratios, resistance type, in terms of one setting, at one input frequency (7 ratios maximum)	40.00
14-8-1.4	Determination of attenuator ratios, mutual inductance type, in terms of one setting, at one input frequency	30.00
14-8-1.5	Determination of attenuator ratios, capacitance type, in terms of one setting, at one input frequency	30.00
14-8-1.6	Determination of attenuator ratios, any type at each additional frequency	20.00
14-8-1.7	Determination of linearity of output meter	20.00
14-8-1.8	Determination of linearity of first detector, or of first detector, 1-f amplifier and output system, at one frequency	30.00
14-8-1.9	Determination of linearity of first detector, or of first detector, 1-f amplifier and output system, at each additional frequency	25.00
14-8-1.10	Determination of relation between input in volts per meter and input volts to grid of first detector, at one frequency	10.00
14-8-1.99	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test and time required.	

EXAMPLES OF CUSTOMARY TESTS IN STANDARD BROADCAST FREQUENCY BAND

Instrument	Type of calibration	Tests included	Fee
Federal or RCA TMV-75B.	Abridged	14-8-1.1, 14-8-1.3	$100
Federal or RCA TMV-75B.	Complete	(14-8-1.1, 14-8-1.3) (14-8-1.7, 14-8-1.8, 14-8-1.10).	160
RCA 308A, or B.	Abridged[1]	(14-8-1.1, 14-8-1.4) (14-8-1.5, 14-8-1.6 (twice)).	160

[1] Fee provides for attenuator measurement, but not adjustment to marked values.

(Sec. 312, 47 Stat. 410; 15 U. S. C. 276)

[SEAL] E. U. CONDON,
Director,
National Bureau of Standards.

Approved:

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 48–2076; Filed, Mar. 8, 1948; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 1—POLICIES

COOPERATION WITH OTHER AGENCIES

The Commission, on March 2, 1948, amended § 1.4 *Cooperation with other agencies* (12 F. R. 5812), of its statements of policy (Part 1—Policies) so that said statement (§ 1.4), which supersedes that announced on December 11, 1946, as § 1.5 *Cooperation with other agencies,* shall read as follows:

§ 1.4 *Cooperation with other agencies.* (a) In the exercise of its jurisdiction with respect to practices and commodities concerning which other Federal agencies also have functions, it is the established policy of the Commission to cooperate with such agencies to avoid unnecessary overlapping or possible conflict of effort.

(b) It is the policy of the Commission not to institute proceedings in matters such as the labeling or branding of commodities where the subject matter of the questioned portion of the labeling or branding used is, by specific legislation, made a direct responsibility of another Federal agency.

(c) In proceedings involving false advertisements of food, drugs, cosmetics, and devices as defined in section 15 of the Federal Trade Commission Act, account is taken of the labeling requirements of the Food and Drug Administration in any corrective action applied to the advertising. In the case of advertisements of food, drugs, cosmetics, or devices which are false because of failure to reveal facts material with respect to the consequences which may result from the use of the commodity, it is the policy of the Commission to proceed only when the resulting dangers may be serious or the public health may be impaired, and in such cases to require that appropriate disclosure of the facts be made in the advertising. (Sec. 6, 38 Stat. 721, sec. 3, 60 Stat. 238; 15 U. S. C. 46, 5 U. S. C. Sup. 1002)

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of March 2, 1948.

By direction of the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 48–2095; Filed, Mar. 8, 1948; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Division of Liquidation, Department of Commerce

[Supp. Order 189, Amdt. 3]

PART 1305—ADMINISTRATION

PRESERVATION OF RECORDS

Pursuant to the Emergency Price Control Act of 1942, as amended, Executive Orders 9809, 9841 and 9842, and Department of Commerce Order 75, as amended: *It is hereby ordered,* That section 1 of Supplementary Order 189 issued by the Administrator of Price Control on October 23, 1946 (11 F. R. 12568), as amended on November 12, 1946 (11 F. R. 13442), and November 6, 1947 (12 F. R. 7327), be hereby further amended to read as follows:

SECTION 1. *Preservation of records.* (a) Subject to the provisions of subsection (b) hereof all persons shall, with respect to any commodity or service which is exempted or suspended from price control on or after the effective date of this Supplementary Order No. 189, preserve until three years from the effective date of any order or other document issued by the Administrator exempting or suspending such commodity

or service from price control, all records, documents, reports, books, accounts, invoices, sales lists, sales slips, orders, vouchers, contracts, receipts, bills of lading, correspondence, memoranda, and other papers, and drafts and copies thereof required to be made or kept by any of the foregoing acts or Executive orders, or by any regulation, order, price schedule or other document issued by the Administrator thereunder. With respect to rice which was decontrolled on June 30, 1947 with the expiration of the Emergency Price Control Act of 1942, as amended, the records and documents mentioned above shall be preserved until June 30, 1949.

(b) The requirements of this supplementary order shall apply only to those persons falling within the following categories:

(1) All persons who are parties to pending civil or criminal litigation under the Emergency Price Control Act of 1942, as amended.

(2) All persons who have received any subsidy payment, premium payment or other payment from any agency or instrumentality of the United States pursuant to the Emergency Price Control Act of 1942, as amended, or who have a pending claim or intend to file a claim for any such payment from any agency or instrumentality of the United States pursuant to the Emergency Price Control Act of 1942, as amended.

(3) All persons who have engaged in a sale of any commodity or service to the United States, or any agency or instrumentality thereof, under a price adjustment provision pursuant to the Emergency Price Control Act of 1942, as amended.

(56 Stat. 23, as amended; 50 U. S. C. App. Sup. 901 et seq.; E. O. 9809 Dec. 12, 1946, 3 CFR, 1946 Supp.; E. O. 9841, April 23, 1947, 12 F. R. 2645; E. O. 9842, April 23, 1947; 12 F. R. 2646)

This amendment shall become effective February 27th, 1948.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of February 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.
JOHN D. GOODLOE,
Chairman,
Reconstruction Finance Corporation.
LEO NIELSON,
Acting Secretary,
Reconstruction Finance Corporation.
E. C. TURNEY,
Acting Director,
Division of Liquidation,
Department of Commerce.

Approved:

TOM C. CLARK,
Attorney General,
Department of Justice.

[F. R. Doc. 48-2073; Filed, Mar. 8, 1948; 8:47 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2,[1] Order 5]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

EXEMPTION OF BAL IN OIL, AMPULE, 10%

War Assets Administration Regulation 2, Order 5, March 21, 1946, entitled "Exemption of Bal in Oil, Ampule, 10%" (11 F. R. 3301) is hereby revised and amended to read as follows:

The Food and Drug Administration has reported that Bal in Oil Ampules packaged with instructions for a special use as U. S. Army Medical Supply List Item No. 1088500 are extremely dangerous for civilian use if used otherwise than under medical supervision and should not be distributed as presently packaged and labeled.

The Office of General Disposal of the War Assets Administration has requested an exemption of this type of drug, as packaged, from the requirements of this part on the ground that it is impracticable to require its disposal according to such requirements. The Office of General Disposal further advises that it has been unable to obtain an offer from any qualified person to purchase this type of property at any price except the offer from the manufacturers, Hynson, Westcott and Dunning, Inc., the manufacturers advising that they will not be interested in purchasing the property at acquisition cost.

Pursuant to § 8302.3 (c) (4), and in reliance upon the reports of the Food and Drug Administration *it is hereby ordered* that:

§ 8302.55 *Exemption of Bal in Oil, Ampule, 10%.* The War Assets Administration is hereby authorized to dispose of packages of Bal in Oil Ampules, listed in U. S. Army Medical Supply List as Item No. 1088500, to the original manufacturer, Hynson, Westcott and Dunning, Inc., Baltimore, Maryland, at the best price obtainable under a negotiated sale and without regard for the provisions of this part: *Provided,* That the purchaser agrees to handle the property in accordance with the requirements of the Federal Food, Drug and Cosmetic Act of June 25, 1938 (52 Stat. 1040, 21 U. S. C. § 301-392), and regulations issued thereunder. (Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (58 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534).

This revised section shall be effective March 9, 1948.

JESS LARSON,
Administrator.

MARCH 4, 1948.

[F. R. Doc. 48-2153; Filed, Mar. 8, 1948; 11:25 a. m.]

[1] WAA Reg. 2 (12 F. R. 5586; 13 F. R. 750, 891)

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 47—CLAIMS BASED ON RETROACTIVE LONGSHOREMAN WAGE INCREASE

Part 47, relating to claims based on retroactive longshoreman wage increases, is added as follows:

Sec.
47.1 Scope.
47.2 Filing of claims.
47.3 Basis of adjustment.

AUTHORITY: §§ 47.1 to 47.3, inclusive, issued under sec. 3, 60 Stat. 238; 5 U. S. C. Sup. 1002.

§ 47.1 *Scope.* The following procedures apply to claims by contractors, which performed stevedoring and terminal operations under commercial tariff arrangements for the Department of the Army, Department of the Navy, and the War Shipping Administration during the period October 1, 1945 to June 14, 1946. Claims must be based upon the 22¢ retroactive longshoreman wage increase granted by the contractors and are payable in accordance with the agreement dated June 14, 1946, whereby the Department of the Army, the Department of the Navy, and the War Shipping Administration agreed to make equitable adjustments.

§ 47.2 *Filing of claims.* (a) Only one claim will be filed with each of the three agencies, and the claim will cover all amounts claimed against such agency.

(b) Claims against the Department of the Army will be filed with the San Francisco Port of Embarkation for all claimants located in California and with the Seattle Port of Embarkation for all claimants in Oregon and Washington. Claims against the Maritime Commission (successor to WSA) will be filed with the Pacific Coast Director, U. S. Maritime Commission, San Francisco, California. Claims against the Department of the Navy will be filed with the Navy Purchasing Officer, San Francisco, California, for all claimants located in California, and with the Naval Supply Depot, Seattle, Washington, for all claimants located in Oregon and Washington.

(c) Each claim will contain the following:

(1) A statement in reasonable detail of the services rendered upon which claim is made, broken down to show the office or installation (or WSA agent) for which the services were rendered, the contractual arrangement under which the services were rendered, and the amount received for such services.

(2) The amount of the wage increase applicable to such services.

(3) The amount of payroll taxes applicable to such wage increase.

(4) The amount of insurance applicable to such wage increase, broken down to show types of insurance (e. g. offshore compensation, onshore compensation, offshore public liability, etc.) and the underwriter for each type of insurance.

(5) Total amount of commercial tariff operations for the retroactive period, broken down to show amount and percentage for the Department of the Army,

Department of the Navy, War Shipping Administration, and others.

(6) Total cost of commercial tariff operations set out in subparagraph (5) of this paragraph (including in such cost the retroactive wage increase and related taxes and insurance applicable thereto).

(7) Percentage profit (or loss) on subparagraph (5) of this paragraph.

(8) Normal profit on commercial tariff operations with explanation of how arrived at.

(9) Amount of claim.

(10) Amount being claimed from each of the other two agencies, if any, on account of the commitment.

(11) State whether the tariff or other contractual arrangement under which the services were rendered contains any provision for price adjustment on account of retroactive wage increase and, if so, give details.

(12) State whether any other claim has been filed for the payment of anything in addition to the amount shown under subparagraph (1) of this paragraph as received, for the services, and if so, give details of amount claimed, basis of claim, where claim was filed, and present status of claim.

(13) State specifically whether any claim is pending before the General Accounting Office on account of the services described in subparagraph (1) of this paragraph.

(14) There will be included in or attached to the claim such other information and supporting data as the claimant considered relevant.

(15) The claim will be certified as follows:

CERTIFICATE

The undersigned, individually and as an authorized representative of the claimant, certifies that he has examined this claim and that to the best of his knowledge and belief the claim and supporting data have been prepared from the books of account and records of claimant in accordance with recognized commercial accounting practices; that such claim has been prepared in accordance with and includes only the charges allowable under memorandum dated September 17, 1947 issued by the Department of the Army, the Department of the Navy, and the United States Maritime Commission, Subject: Price Adjustment on Commercial Tariffs for 22¢ Retroactive Longshore Wage Increase; that the claim has been prepared with knowledge that it will, or may, be used as the basis of settlement of a claim against the United States or an agency thereof; and that the amount stated is fair and reasonable.

§ 47.3 *Basis of adjustment.* (a) The following rules are established for the making of equitable adjustments: The adjustment will be upon the basis of the contractor's total commercial tariff operations during the period involved. The total commercial tariff operations will include but be limited to all the commercial tariff operations of the contractor at a particular locality of the type affected by the retroactive wage increase.

Examples. If a firm is engaged in terminal operations and also operates a steamship line, only the terminal operations will be included in the "total commercial tariff operations." If the firm is engaged in terminal operations and stevedoring at the same locality, the terminal work and stevedoring will be combined. If a firm operates terminals at two different ports, the terminals will be considered separately.

(b) The amount of adjustment to be made by each agency will be limited to whichever is less of the following:

(1) The actual amount of the retroactive wage increase, plus related taxes and insurance, applicable to the commercial tariff operations for such agency, but without any allowance for overhead or profit.

(2) That portion of a sum sufficient to give the claimant his costs plus 6 percent profit on his total commercial tariff operations, which portion shall be based upon the ratio of his commercial tariff operations for such agency to his total commercial tariff operations.

(3) That portion of a sum sufficient to give the claimant his costs plus a normal profit on his total commercial tariff operations, which portion shall be based upon the ratio of his commercial tariff operations for such agency to his total commercial tariff operations. A normal profit is defined as the profit customarily made by the claimant on his total commercial tariff operations, and the rate of profit made by the claimant on his total commercial tariff operations during his last fiscal period prior to October 1, 1945 will be prima facie evidence of his normal profit.

M. E. ANDREWS,
Acting Secretary of the Navy.

[F. R. Doc. 48-2065; Filed Mar. 8, 1948; 9:00 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

TONGASS NATIONAL FOREST, ALASKA

CROSS REFERENCE: For order excluding certain lands from Tongass National Forest, Alaska, and restoring them to entry, see Public Land Order 453 under Title 43, Chapter I, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 451]

ARIZONA

REVOKING EXECUTIVE ORDER NO. 3314 OF JULY 26, 1920

By virtue of the authority contained in the act of June 25, 1910, 36 Stat. 847, amended by the act of August 24, 1912, 37 Stat. 497 (43 U. S. C. 141–143), and pursuant to Executive Order No. 9337 of April 24, 1943 (3 CFR Cum. Supp.), it is ordered as follows:

Executive Order No. 3314 of July 26, 1920, temporarily withdrawing the following described lands for classification and pending determination as to the advisability of including such lands within the Tumacacori National Monument is hereby revoked.

GILA AND SALT RIVER MERIDIAN

T. 21 S., R. 13 E.,
Sec. 30, NE¼SE¼SW¼.

The area described contains 10 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 3, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 3, 1948 to August 2, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 14, 1948, to May 3, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 3, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 3, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from July 15, 1948, to August 3, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 3, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such

regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The character of this land is rough and rocky. It lies in the sloping foothills of the Tumacacori Mountains.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 1, 1948.

[F. R. Doc. 48-2066; Filed, Mar. 8, 1948; 8:59 a. m.]

[Public Land Order 452]

UTAH

MODIFYING PUBLIC LAND ORDERS NO. 15 OF JULY 21, 1942, AND NO. 66 OF NOVEMBER 30, 1942, AS AMENDED, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 15 of July 21, 1942, and Public Land Order No. 66 of November 30, 1942, as amended by Public Land Order No. 104 of March 29, 1943 (3 CFR, Cum. Supp.), withdrawing public lands for the use of the War Department as an ammunition storage depot for the Chemical Warfare Service and as a Chemical Warfare Service Depot, respectively, are hereby modified so as to permit the use of the lands covered by such orders for grazing purposes as part of a grazing district under the provisions of the act of June 28, 1934, as amended, 48 Stat. 1269 (43 U. S. C. 315), on such terms and for such periods as may be agreed upon by the Department of the Army and the Department of the Interior.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 1, 1948.

[F. R. Doc. 48-2067; Filed, Mar. 8, 1948; 8:59 a. m.]

[Public Land Order 453]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM THE TONGASS NATIONAL FOREST AND RESTORING THEM TO HOMESITE ENTRY

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943 (3 CFR, Cum. Supp.) is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington 25, D. C., are hereby excluded from the Tongass National Forest, and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461):

TONGASS NATIONAL FOREST

U. S. Survey No. 2402, lot 44, 0.59 acres; latitude 55°18'00" N., longitude 131°32'00" W. (Homesite No. 556, Mountain Point Group);

On the shore of Favorite Channel, 1.62 acres; latitude 58°23'00" N., longitude 134°44'00" W. (Homesite No. 968);

On the northeast shore of Lisianski Inlet, Chichagof Island, 2.71 acres; latitude 57°57'00" N., longitude 136°12'00" W. (Homesite No. 885).

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 1, 1948.

[F. R. Doc. 48-2068; Filed, Mar 8, 1948; 8:59 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

[Docket No. AO-123-A8]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Henry Clay Hotel, Louisville, Kentucky, beginning at 9:00 a. m., c. s. t., March 17, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement, as heretofore approved (12 F. R. 6504) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area (12 F. R. 6567). These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Falls Cities Cooperative Milk Producers Association:

1. Delete § 946.1 (i) and substitute the following:

(i) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk.

2. Delete § 946.1 (j) and substitute the following:

(j) "Other source milk" means all skim milk and butterfat in any form received from a source other than producers or other handlers including milk, skim milk, or cream received by a handler under a permit for the receipt thereof issued to him by the proper health authorities and excepting any nonfluid milk product which is received and disposed of in the same form.

3. Delete § 946.3 (a) and substitute the following:

§ 946.3 *Classification of milk*—(a) *Basis of classification.* All skim milk and butterfat received by a handler in (1) milk from producers, (2) milk, skim milk and cream from other handlers, and (3) other source milk; at a plant, described under subparagraphs (1) or (2) of § 946.1 (e), and skim milk and butterfat contained in milk handled pursuant to paragraphs (e) (3) and (f) (2) of § 946.1 shall be classified in the classes set forth in paragraph (b) of this section. In establishing the classification of skim milk and butterfat as required in paragraph (b) of this section, the burden rests upon the handler who is the first receiver to account for all skim milk and butterfat contained in milk, skim milk, and cream received and to prove that such skim milk and butterfat has been utilized in a class other than that in which the market administrator determines that such skim milk and butterfat should be classified.

4. Delete § 946.3 (b) (3) and substitute the following:

(3) Class III milk shall be all skim milk and butterfat accounted for (i) as used to produce a product other than those specified in Class I milk and Class II milk, (ii) as actual plant shrinkage of skim milk and butterfat in milk received from producers, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iii) as actual plant shrinkage of skim milk and butterfat in other source milk: *Provided*, That if milk is diverted by a handler to a plant of another handler without first having been received for purposes of weighing and testing in the diverting handler's plant, the respective quantities of skim milk and butterfat contained in such milk shall be included in the receipts of skim milk and butterfat, respectively, of the second handler in computing his plant shrinkage and shall be excluded from the receipts of skim milk and butterfat, respectively, of the

diverting handler in the latter's plant shrinkage computation: *And provided further*, That (*a*) if milk from producers is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage of skim milk or butterfat, respectively, allocated to the milk from producers shall not exceed its pro rata share computed on the basis of the proportions of such volumes of skim milk and butterfat, respectively, received from the various sources to their total, and (*b*) if milk from producers is transferred as milk, skim milk, or cream by a handler from a plant described under subparagraphs (1) or (2) of § 946.1 (e) of such handler to any other plant of such handler under supporting transfer records satisfactory to the market administrator, the shrinkage of skim milk and butterfat, respectively, on the aforesaid transferred portion shall be computed on a pro rata basis with the skim milk and butterfat, respectively, contained in all milk, skim milk and cream received in the latter plant and added to the shrinkage of producers' milk handled in the handler's fluid milk plant.

5. Delete § 946.3 (c) (1) and substitute the following:

(c) *Transfers or diversions.* (1) All skim milk and butterfat disposed of, either by transfer or diversion, by a handler to a plant located less than 100 miles from the City Hall at Louisville, Kentucky, by the shortest highway distance as determined by the market administrator, which plant is owned or operated by: (i) Another handler who is not a producer-handler, shall be Class I milk if the skim milk and butterfat so disposed of was contained in any items specified in paragraph (b) (1) of this section, and all skim milk and butterfat contained in any items specified in paragraph (b) (2) of this section so disposed of shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and receiving handler on or before the fifth day after the end of the delivery period within which such transfer or diversion was made: *Provided*, That in no event shall the amount so indicated in writing for any class exceed the total use of skim milk or butterfat, respectively, in such class by the receiving handler subject to verification by the market administrator: *And provided further*, That the classification of any such skim milk and butterfat so transferred or diverted between handlers shall be subject to allocation for each handler in the sequence set forth in paragraph (e) of this section; (ii) a producer-handler, shall be Class I milk if the skim milk and butterfat so disposed of was contained in any items specified in paragraph (b) (1) of this section, and all skim milk and butterfat contained in any items specified in paragraph (b) (2) of this section so disposed of shall be Class II milk; (iii) a person who is not a handler but who distributes milk, skim milk, or butterfat in the form of any of the items specified in paragraphs (b) (1) or (b) (2) of this section, shall be Class I milk if the skim milk and butterfat so disposed of was contained in any items specified in paragraph (b) (1) of this section, and all skim milk and butterfat contained in any items specified in paragraph (b) (2) of this section so disposed of shall be Class II milk: *Provided*, That if during the delivery periods of March through August, the buyer maintains books and records showing the utilization of all skim milk and butterfat received at his plant, which are made available to the market administrator for the purpose of verification, such skim milk and butterfat shall be classified as follows: (*a*) Determine the classification of all skim milk and butterfat at the transferee plant and (*b*) allocate the skim milk and butterfat, respectively, received at the transferee plant from the transferring handler to the highest-priced classification remaining after subtracting, in series beginning with the highest-priced classification, the receipts of skim milk and butterfat, respectively, at the transferee plant direct from dairy farms; (iv) a person other than a handler who does not distribute milk or cream in fluid form for consumption as such but manufactures milk products, shall be classified in the class in which the market administrator determines such skim milk or butterfat was used.

6. Add § 946.3 (c) (2) as follows:

(2) All skim milk and butterfat contained in any items specified in paragraph (b) (1) of this section disposed of, either by transfer or diversion, by a handler to a plant located 100 miles or more from the City Hall at Louisville, Kentucky, by the shortest highway distance as determined by the market administrator which plant is owned or operated by another handler or person who is not a handler but who distributes milk or manufactures milk products, shall be Class I milk, and all skim milk and butterfat contained in any item specified in paragraph (b) (2) of this section so disposed of shall be Class II milk.

7. Change section designations as follows:

Change § 946.3 (c) (2) to § 946.3 (c) (3).
Change § 946.3 (c) (3) to § 946.3 (c) (4).
Change § 946.3 (c) (4) to § 946.3 (c) (5).

8. Delete § 946.3 (d) (1) and substitute the following:

(1) The total pounds of skim milk received by adding together (i) the pounds of milk received from producers, (ii) the pounds of milk, skim milk, and cream received from other handlers, and (iii) the pounds of other source milk received; and substracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph.

9. Delete § 946.3 (d) (9) and substitute the following:

(9) The total pounds of butterfat in Class III milk by (i) adding together the pounds of butterfat used to produce each of the several products of Class III milk; (ii) subtract from the total pounds of butterfat received, computed pursuant to subparagraph (2) of this paragraph, the pounds of butterfat in Class I milk and Class II milk computed pursuant to subparagraphs (4) (i) and (6) of this paragraph, and the pounds of butterfat computed pursuant to subdivision (i) of this subparagraph which resulting amount of butterfat shall be classified as follows: (*a*) That portion not in excess of 2 percent of total receipts of butterfat from producers, plus actual plant shrinkage of butterfat in other source milk shall be considered as plant shrinkage and classified as Class III milk, and (*b*) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I milk; and (iii) adding together the results obtained in subdivisions (i) and (ii) (*a*) of this subparagraph.

10. Delete § 946.3 (e) and substitute the following:

(e) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds of skim milk in such class allocated to milk received from producers.

(i) Substract from the total pounds of skim milk in Class III milk the allowable shrinkage of skim milk on milk received from producers, computed pursuant to paragraph (d) (7) (iii) (*a*) of this section;

(ii) Subtract from the total pounds of skim milk remaining in each class, in series beginning with the lowest-priced available class milk, the total pounds of skim milk contained in receipts of other source milk;

(iii) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk contained in milk, skim milk, and cream received from other handlers and assigned to such class: *Provided*, That if the pounds of skim milk to be subtracted from Class II milk or Class III milk is greater than the pounds of skim milk remaining in such class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class; and

(iv) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subdivision (i) of this subparagraph; or if the pounds of skim milk remaining in all classes exceeds the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class, in series beginning with the lowest-priced available use.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (d) (9) (ii) (*a*) shall be substituted for the designated reference paragraph (d) (7) (iii) (*a*) set forth in subparagraph (1) (i) of this paragraph).

11. Delete § 946.4 (a) and substitute the following:

§ 946.4 *Minimum prices*—(a) *Basic formula prices for Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in computing the prices for Class I milk and Class II milk, set forth in subparagraph (1) and (2) of paragraph (b) of this

section shall be the price for Class III milk or that resulting from the formula set forth in (1) of this paragraph, whichever is the higher, plus 15 cents, or that resulting from the formula set forth in (2) of this paragraph, whichever is the higher:

(1) (i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.8.

(2) To the average of the basic (or field) prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed as follows: Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture for the delivery period, by 0.12 and then by 3.

12. Delete § 946.4 (b) (1) and substitute the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.30: *Provided*, That for the delivery periods of April, May, and June, the price for Class I milk shall be the basic formula price plus $1.05.

13. Delete § 946.4 (b) (2) and substitute the following:

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus $0.85: *Provided*, That for the delivery periods of April, May, and June, the price for Class II milk shall be the basic formula price plus $0.60.

14. Delete § 946.5 (a) (1) and substitute the following:

(1) On or before the fifth day after the end of each delivery period all skim milk and butterfat contained in receipts of milk from producers (including milk produced by him), receipts of milk, skim milk, and cream from other handlers, and receipts of other source milk, and the utilization of all receipts of skim milk and butterfat for the delivery period.

15. Delete § 946.5 (a) (2).

16. Delete § 946.5 (a) (3).

17. Delete § 946.6 (c) and substitute the following:

(c) *Payment for excess skim milk or butterfat.* In the event that a handler, after subtracting receipts of milk, skim milk, and cream from other handlers, and receipts of other source milk, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, such handler shall pay to producers, through the producer-settlement fund, an amount computed by multiplying the pounds in each class as subtracted pursuant to § 946.3 (e) by the applicable class prices.

18. Delete the last sentence of § 946.7 (a) and substitute the following: "If such handler utilizes other source milk in milk products, the amount of butter allocated to butterfat in milk received from products shall be a pro rata share based upon the respective volumes of butterfat from each source utilized in milk products."

19. Delete § 946.10 and substitute the following:

§ 946.10 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period, of milk from producers (including such handler's own production) and other source milk. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by such cooperative association to a plant from which no milk is disposed of in the marketing area.

By the Dairy Branch, Production and Marketing Administration:

20. Make such other changes as may be required to make the entire marketing agreement and the order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, 1235 Starks Building, Louisville, Kentucky, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 4, 1948, at Washington, D. C.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 48-2072; Filed, Mar. 8, 1948; 8:47 a. m.]

[7 CFR, Part 965]

[Docket No. AO-166-A-8]

HANDING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practices and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4304), notice is hereby given of a public hearing to be held at Hotel Sinton, Crystal Room, 4th and Vine Streets, Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., March 11, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, milk marketing area (7 CFR, Supps. 965.0 et seq.; 12 F. R. 4931). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the establishment of Class I and Class II price differentials for a limited period of time beginning April 1, 1948.

The following amendments have been proposed:

1. Amend § 965.6 (a) (1) to continue the current Class I price differential of $1.35 for the delivery periods of April through July 1948.

2. Amend § 965.6 (a) (2) to continue the current Class II price differential of 90 cents for the delivery periods of April through July 1948.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, 152 East 4th Street, Cincinnati, Ohio, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 4, 1948, at Washington, D. C.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 48-2100; Filed, Mar. 8, 1948; 8:53 a. m.]

[7 CFR, Part 975]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENT

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the order, as amended, and to the tentative marketing agreement, regulating the handling of milk in the Cleveland, Ohio, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed amendment to the order, as amended, and the tentative marketing agreement was formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipts of proposals filed by the Milk Producers Federation of Cleveland. The public hearing was held at Cleveland, Ohio November 28, 1947, pursuant to notice duly published in the FEDERAL REGISTER (12 F. R. 7640).

The material issues presented on the record of hearing were whether:

(1) The Class I "floor price" should be extended for a limited period in 1948 at the December, 1947 Class I "floor price" level.

(2) The provisions for determining the price of Class III skim milk utilized in condensed skim or whole milk, evaporated milk, cottage cheese and powdered malted milk should be revised.

Findings and conclusions. The proposed findings and conclusions with respect to the material issues presented at the hearing, together with the reasons therefor, are as follows:

(1) The Class I floor price provisions of the order should not be amended to extend the December 1947 Class I floor price for a limited period in 1948.

The evidence showed that the then prevailing Class I prices determined by the price formula contained in the order were substantially the same as the December floor prices provided therein. It was not established that the present provisions of the order would not result in prices which would reflect changes in the feed situation and other supply and demand conditions during the spring of 1948. The proponents did not propose to extend floor prices beyond the flush production period of 1948. The evidence failed to show that the extension of the December floor price during the early months of 1948 is necessary to insure an adequate supply of pure and wholesome milk for the marketing area. The present formula method of establising Class I prices copied with the present floor price provisions of the order gives producers a reasonable amount of price assurance during this period.

Handlers proposed to reduce the Class I differentials of $1.15 per hundredweight for January and February to $1.00 per hundredweight and to eliminate the present floor prices provided for January and February 1948. The evidence presented by the handlers pertained chiefly to the extension of floor prices at the December level. The evidence indicated that a substantial portion of the handlers in the Cleveland market, intended to pay producers a Class I price during the month of December which would be in excess of the December floor price or the price resulting from the formula. Milk supply and price conditions in the market do not indicate a need for reducing the Class I differentials for January and February.

For the reasons stated above, no change in the Class I price provisions of the order should be made at this time.

(2) The provisions (§ 975.6 (d) (3)) for determining the price of Class III skim milk utilized in condensed skim milk or whole milk, evaporated milk, cottage cheese and powdered malted milk should not be revised at this time.

Section 975.6 (d) (3) provides one of two alternative formulas for establishing the prices of skim milk used in products designated above. At present this provision is inoperative under the order because of suspension action requested by producers and handlers and the price for Class III skim milk is based on prevailing prices on non-fat-dry-milk solids. Producers proposed an amendment to § 975.6 (d) (3), while handlers proposed that it be deleted. Although, the evidence showed that this alternative formula for pricing Class III skim milk is not satisfactory under some price relationships, the evidence did not justify the adoption of the alternative proposed or the complete deletion of this provision at the present time. It is concluded that amendment action should be deferred until the pricing of Class III skim milk can be more fully examined at a public hearing.

It was contended by the Milk Market Survey Committee, a group of handlers, at the hearing and in their brief, that a proposal to "amend" the order by termination and several other proposals for amendment which were not contained in the notice of hearing should have been considered and that the presiding officer erred in refusing to receive evidence thereon at the hearing. An offer of proof was made thereon by these handlers and received in the record as such. The hearing officer ruled that two other price proposals submitted by the Milk Market Survey Committee, came within the scope of the hearing notice and permitted evidence to be received on these proposals. The presiding officer correctly ruled that the other alleged issues were not to be considered at the hearing because they were not presented by the notice of hearing. The issues involved in these proposals had been considered at a hearing on June 26, 1947 (12 F. R. 4153), upon which the Secretary issued a decision on August 15, 1947 (12 F. R. 5627), and it was indicated by the Assistant Administrator that no reasons had been given for reconsideration of these issues at this time and on an emergency basis. Under the circumstances, the hearing notice was limited properly to the proposals contained in the notice as published (12 F. R. 7640), and the application to reopen the hearing because of such alleged errors is denied.

The Milk Market Survey Committee also opposed the producers proposals on several other grounds of practice and procedure. Since the producer proposals are not being adopted for other reasons previously set forth herein there is no need to pass upon these additional objections to the producer proposals.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Milk Producers Federation of Cleveland, and on behalf of the Milk Market Survey Committee. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the finding and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Filed at Washington, D. C., this 4th day of March 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Admininistrator.

[F. R. Doc. 48-2070; Filed, Mar. 8, 1948; 8:47 a. m.]

Office of the Secretary

[7 CFR, Part 10]

GRAIN CONSERVATION

PROPOSED VOLUNTARY PLAN FOR CONSERVATION OF GRAIN PRODUCTS BY BAKING INDUSTRY

Correction

In Federal Register Document 48-1893, appearing on page 1171 of the issue for Thursday, March 4, 1948, the date at the end should read: "Issued this 27th day of February 1948."

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1425179]

NEW MEXICO

RESTORATION ORDER NO. 1243 UNDER FEDERAL POWER ACT

FEBRUARY 26, 1948.

Pursuant to the determination of the Federal Power Commission (DA-34 and DA-35, New Mexico) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, having been withdrawn on August 7 and September 30, 1916, for Water Power Designation No. 1 and Power Site Reserve No. 548, respectively, are hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818), and subject to the stipulation that no claim shall be made against the United States, its licensees or permittees, for any injury to properties or operations due to power developments:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 10 E.,
Sec. 20, SE¼;
Sec. 21, SW¼;
Sec. 28, lots 3, 4, and 5;
Sec. 29, lots 1, 3, 4, SW¼NW¼, and N½ SW¼;
Sec. 30, NE¼.

The areas described aggregate 758.51 acres.

This order shall become effective at 10:00 a. m. on April 29, 1948.

FRED W. JOHNSON,
Director.

[F. R. Doc. 48-2069; Filed, Mar. 8, 1948; 8:59 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

FARMERS LIVESTOCK MARKET, INC.

NOTICE RELATIVE TO POSTED STOCKYARDS

Notice is hereby given that after inquiry and after consideration of all relevant matter presented pursuant to the notice of proposed posting and rule making published in the FEDERAL REGISTER on December 17, 1947 (12 F. R. 8428), it has been ascertained by me, pursuant to section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), that the stockyard known as the Farmers Livestock Market, Inc., at Greeneville, Tennessee, is a stockyard within the definition of that term contained in section 302 of said act and is, therefore, subject to the provisions of said act.

The attention of the stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U. S. C. 203 and 207) and other pertinent provisions of said act, and the rules and regulations issued thereunder by the Secretary of Agriculture.

The Packers and Stockyards Act provides for a specified time after the posting of notice at the stockyard, for market agencies, dealers, and stockyard owners to register and qualify for the operation of their businesses under that act.

There appears to be no good reason to defer the effective date of the foregoing notice in view of that fact. Therefore, it is determined that good cause exists to make this notice, and it shall be, effective immediately, subject to the provisions of the Packers and Stockyards Act.

Done at Washington, D. C., this 2d day of March 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-2096; Filed, Mar. 8, 1948; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Regulations, Part 522—Regulations Applicable to the Employment of Learners.

Enrique Velez Posada, San Juan, Puerto Rico; to employ one (1) learner in the Wholesaling, Warehousing, and Other Distribution Industries in the occupation of repairing electro-medical equipment at not less than 21 cents an hour for the first 1,226 hours; not less than 27 cents an hour for the second 1,226 hours; and not less than 33 cents an hour for the third 1,226 hours. This certificate is effective January 9, 1948 and expires January 8, 1949.

Prafco, Inc., Corozal, Puerto Rico; to employ one hundred (100) learners in the Artificial Flower Manufacturing Industry to the manufacture by hand of artificial flowers made of paper (the operations of sticking and pressing are not included in the certificate); the learners are authorized to be employed for a learning period not exceeding 200 hours at rates not less than 75 percent of the applicable minimum rate of pay. This certificate is effective February 16, 1948 and expires August 15, 1948. Puerto Rico Mills, Inc., Puerto de Tierra, Puerto Rico; to employ forty-five (45) learners in the Hosiery Industry as follows: four (4) learners in the occupation of seaming at not less than 15 cents an hour for the first 480 hours and not less than 22½ cents an hour for the second 480 hours; eight (8) learners in the occupation of legging, three (3) learners in the occupation of footing, twenty (20) learners in the occupation of topping, and two (2) learners in the occupation of looping at not less than 15 cents an hour for the first 480 hours; not less than 18¾ cents an hour for the second 480 hours; and not less than 22½ cents an hour for the third 480 hours; four (4) learners in the occupation of mending, one (1) learner in the occupation of leg inspecting, one (1) learner in the occupation of foot inspecting, one (1) learner in the occupation of final inspecting, and one (1) learner in the occupation of winding at not less than 15 cents an hour for the first 240 hours, and not less than 22½ cents an hour for the second 240 hours. This certificate is effective February 6, 1948 and expires February 5, 1949.

Zekaria Bros., Puerta de Tierra, Puerto Rico; to employ forty (40) learners in the Machine Embroidery Industry in the occupation of machine operator for lace embroidery for a learning period not exceeding 240 hours at not less than 18 cents an hour. This certificate is effective January 23, 1948 and expires January 22, 1949.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 2d day of March 1948.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 48-2077; Filed, Mar. 8, 1948; 8:48 a. m.]

SPECIAL CERTIFICATE FOR EMPLOYMENT OF HANDICAPPED CLIENTS

ISSUANCE TO SHELTERED WORKSHOPS

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Volunteers of America, 1432 First Street, Detroit 26, Michigan; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher; certificate is effective February 20, 1948, and expires January 31, 1949.

Mount Sinai Hospital, 1 East 100th Street, New York, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher; certificate is effective March 4, 1948, and expires January 31, 1949.

Dallas County Association for the Blind, 4306 Capitol Avenue, Dallas, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher; certificate is effective February 22, 1948, and expires February 28, 1949.

Institute for the Crippled and Disabled, 400 First Avenue, New York 10, New York, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective February 29, 1948, and expires February 28, 1949.

Altro Work Shops, Inc., 1021 Jennings Street, New York 60, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher; certificate is effective March 1, 1948, and expires February 28, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may ask a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 27th day of February 1948.

JACOB I. BELLOW,
Assistant Director,
Field Operations Branch.

[F. R. Doc. 48-2078; Filed, Mar. 8, 1948; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8223, 8495, 8825]

ERIE BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Erie Broadcasting Corporation, Buffalo, New York, Docket No. 8495, File No. BP-6206; Concord Broadcasting Corporation, Niagara Falls, New York, Docket No. 8223, File No. BP-5825; The Niagara Falls Gazette Publishing Company (WHLD), Niagara Falls, New York, Docket No. 8825; File No. BP-3879; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1948;

The Commission having under consideration the above-entitled application of The Niagara Falls Gazette Publishing Company requesting a construction permit to change the operating assignment of Station WHLD, Niagara Falls, New York, from 1290 kc, with 1 kw power, daytime only to 1200 kc, with 1 kw power, limited time; and also having under consideration an amendment to the said application to increase power to 10 kw, install a directional antenna and change the transmitter site; and

It appearing, that the Commission, on August 21, 1947, designated for hearing the application of Erie Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on the frequency 1230 kc, with 250 w power, unlimited time, in Buffalo, New York, and on January 21, 1948, designated for hearing in a consolidated proceeding therewith the application of Concord Broadcasting Corporation requesting the same facilities for use in Niagara Falls, New York; that hearing thereon was held February 9 and 10, 1948, in Buffalo and Niagara Falls, New York, respectively; and that a further hearing is scheduled for March 3, 1948, at Washington, D. C.; and

It further appearing, that the above application of The Niagara Falls Gazette Publishing Company as originally filed was mutually exclusive with the application of Concord Broadcasting Corporation, and that under § 1.387 of the Commission's rules and regulations it should have been designated for hearing in the above-entitled consolidated proceeding; and

It further appearing, that the amendment under consideration (filed on February 17, 1948) substantially changes the application of The Niagara Falls Gazette Publishing Company to the extent that it would be mutually exclusive with the said application of Erie Broadcasting Corporation; and that under the provisions of § 1.387 (b) (3) of the Commission's rules and regulations the application as amended may not be designated for hearing in the above consolidated proceeding;

It is ordered, That the amendment filed by The Niagara Falls Gazette Publishing Company be, and it is hereby, dismissed and, that pursuant to section 309 (a) of the Communications Act of 1934, as amended, its said application, requesting operation limited time on the frequency 1200 kc, with 1 kw power, be, and it is hereby, designated for hearing in the above consolidated proceeding upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation and its officer, directors and stockholders to construct and operate Station WHLD as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WHLD as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WHLD as proposed would involve objectionable interference with Station WHAM, Rochester, New York, or any other existing broadcast stations and, if so, the nature and extent thereof,

the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WHLD as proposed would involve objectionable interference with the other applications in this proceeding or with the services proposed in any other pending applications for broadcasting facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WHLD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Stromberg-Carlson Company, licensee of Station WHAM, Rochester, New York, be, and it is hereby, made a party to these proceedings; and

It is further ordered, That the orders of the Commission dated August 21, 1947, and January 21, 1948, designating the said applications of Erie Broadcasting Corporation and Concord Broadcasting Corporation for hearing be, and they are hereby, amended to include the said application of The Niagara Falls Gazette Publishing Company and to change the appropriate wording in issue No. 7 therein to read "if any."

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-2088; Filed, Mar. 8, 1948; 8:52 a. m.]

[Docket Nos. 8223, 8495, 8825]

ERIE BROADCASTING CORP. ET AL.

ORDER POSTPONING HEARING

In re applications of Erie Broadcasting Corporation, Buffalo, New York, Docket No. 8495, File No. BP-6206; Concord Broadcasting Corporation, Niagara Falls, New York, Docket No. 8223, File No. BP-5825; The Niagara Falls Gazette Publishing Company (WHLD), Niagara Falls, New York, Docket No. 8825, File No. BP-3879; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1948;

Whereas, the above-entitled applications of Erie Broadcasting Corporation and Concord Broadcasting Corporation were heard in a consolidated proceeding on February 9 and 10, 1948, in Buffalo and Niagara Falls, New York, respectively; and further hearing was scheduled for March 3, 1948; and

Whereas, the above-entitled application of The Niagara Falls Gazette Publishing Company, which is mutually exclusive with that of Concord Broadcasting Corporation, was pending before the Commission more than 20 days prior to the commencement, of the aforementioned hearing and the Commission on this date designated it for hearing in the above-entitled consolidated proceeding; and

It appearing, that the convenience of the Commission would be served by a postponement of the hearing;

It is ordered, That hearing in the above-entitled matter be, and it is hereby, postponed to April 7 and 8, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-2089; Filed, Mar. 8, 1948; 8:53 a. m.]

[Docket Nos. 8621, 8622, 8760]

TRAVELERS BROADCASTING SERVICE CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Travelers Broadcasting Service Corporation, Hartford, Connecticut, Docket No. 8621, File No. BPCT-193; Connecticut Broadcasting Company, Hartford, Connecticut, Docket No. 8622, File No. BPCT-195; The Hartford Times, Incorporated, Hartford, Connecticut, Docket No. 8760, File No. BPCT-273; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February 1948;

Whereas, the above-entitled applications requesting permits for the construction of new television broadcast stations at Hartford, Connecticut, are presently scheduled to be heard in a consolidated proceeding on March 1, 1948, at Hartford, Connecticut; and

Whereas, the public interest, convenience and necessity would be served by a postponement of the said consolidated hearing;

It is ordered, That the said consolidated hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, April 19, 1948, at Hartford, Connecticut.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-2090; Filed, Mar. 8, 1948; 8:53 a. m.]

[Docket Nos. 8813-8817, 8824]

BALBOA RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Balboa Radio Corporation, San Diego, California, Docket No. 8813, File No. BPCT-197; McKinnon Publications, Inc., San Diego, California, Docket No. 8814, File No. BPCT-298; Airfan Radio Corporation, San Diego, California, Docket No. 8815, File No. BPCT-313; Leon N. Papernow, William S. Eddy, Richard T. Clarke, Russel R. Rogers, Charles A. Muehling d/b as Television Broadcasting Company, San Diego, California, Doket No. 8816, File No. BPCT-314; San Diego Broadcasting Company, San Diego, California, Docket No. 8817, File No. BPCT-318; Video Broadcasting Company (a copartnership, consisting of John A. Masterson, Harold M. Holden, John W. Nelson, John F. Reddy, Lester O. Bacon, W. F. Laughlin, Charles Wesley Turner, J. G. Moser, I. D. Ditmars, Charles B. Brown and H. E. Moser), San Diego, California, Docket No. 8824, File No. BPCT-341; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of February 1948;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a television broadcast station to operate unlimited time on a television channel allocated to the San Diego metropolitan district under § 3.606 of the Commission's rules and regulations; and

It appearing, that the above-entitled applications exceeds in number the unassigned television channels allocated to the San Diego metropolitan district;

It is ordered, That pursuant to section 309 (a) of the Communications act, as amended, the above-entitled applications are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-2091; Filed, Mar. 8, 1948; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-140]

CORPORATION SERVICE CO. ET AL.

ORDER REOPENING PROCEEDINGS AND FIXING DATE OF HEARING

Corporation Service Company, Rufus C. Coulter, and George Watts, Trustee v. Mississippi River Fuel Corporation; Docket No. G-140.

It appearing to the Commission that:

(a) On October 19, 1939, Corporation Service Company, Rufus C. Coulter and George Watts, Trustee (Complainants) filed with the Commission a complaint pursuant to section 7 (a) of the Natural Gas Act praying, among other things, that the Commission direct Mississippi

River Fuel Corporation (Respondent) to sell and deliver natural gas to Complainants for distribution within the town of Pocahontas, Arkansas.

(b) Pursuant to the Commission's orders of June 17 and July 15, 1941, a public hearing was held on August 18, 19, and 20, 1941, at Little Rock, Arkansas, concerning the matters involved and the issues presented by the complaint and other pleadings filed in the proceedings herein.

(c) On February 16, 1942, prior to Commission decision and order on the record made at the public hearing herein, the War Production Board issued its limitation order L–31 restricting deliveries of natural gas by Respondent.

The Commission finds that: It is necessary and appropriate in the public interest that the record in the procedings herein be reopened for the purpose of receiving evidence of material facts occuring since the close of the public hearing referred to in paragraph (b) above:

The Commission orders that:

(A) The record in the proceedings herein be and it is hereby reopened for the purpose of receiving evidence of material facts occurring since the close of the public hearing referred to in paragraph (b) above.

(B) A public hearing be held commencing on March 23, 1948 at 10:00 a. m. (c. s. t.), in the Auxiliary Court Room, United States Post Office and Court House Building, at Little Rock, Arkansas, for the purpose of receiving the evidence as hereinbefore ordered in paragraph (A) above.

(C) Interested State commissions may participate in said hearing as provided in the Commission's rules of practice and precedure.

Date of isuance: March 4, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–2075; Filed, Mar. 8, 1948; 8:48 a. m.]

[Docket No. G–989]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed January 22, 1948, as supplemented February 17, and 25, 1948, and as amended March 3, 1948, by Tennessee Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business at Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission, and open to public inspection;

It appearing to the Commission that:

(1) Temporary authorization to construct and operate certain of the requested facilities was granted March 1, 1948, as follows:

(i) Approximately 150 miles of 30-inch main pipe line loop between compressor station Nos. 5 and 11, and

(ii) 10,000 horsepower compression to be installed in existing compressor stations,

all as more fully described in the application as supplemented.

(2) Said temporary authorization was granted subject to following conditions:

(i) It does not include authorization for 150 miles of so-called "gathering lines of various sizes" referred to in application;

(ii) Facilities authorized shall not be used for transportation or sale of natural gas to any new customer except upon specific authorization by Commission;

(iii) Authorization is not to be construed as a determination of volumes of natural gas applicant may sell and deliver to any customer by reason of construction and operation of facilities herein authorized;

(iv) Applicant shall report to Commission in writing under oath commencement date of construction of facilities authorized, thereafter shall submit monthly reports of construction progress until facilities authorized are completed and shall report completion date of construction of facilities together with date of commencement of operations; and

(v) Authorization granted pending hearing and disposition of application for permanent certificate of public convenience and necessity and is without prejudice to further Commission action.

(3) By the said amendment filed March 3, 1948 Applicant has amended its application to exclude therefrom the request for authorization to construct and operate the 150 miles of so-called "gathering lines of various sizes" referred to hereinbefore.

(4) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no issue of substance having been raised by any request to be heard, protest or petition filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 4, 1948 (13 F. R. 507–508);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 18, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented and amended: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 3, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–2074; Filed, Mar. 8, 1948; 8:47 a. m.]

[Docket No. G–997]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

Correction

In Federal Register Document 48–1947, appearing at page 1199 of the issue for Friday, March 5, 1948, the docket number should read as set forth in brackets above.

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Amdt. 2 to Special Directive 24]

UNITY RAILWAYS CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 24 (12 F. R. 8079) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 24, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof.

(1) To furnish daily to the Renton #3 mine four cars for the loading of Pennsylvania Railroad fuel coal from its total available supply of cars suitable for the transportation of coal.

A copy of this amendment shall be served upon the Unity Railways Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 1st day of March, A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48–2080; Filed, Mar. 8, 1948; 8:49 a. m.]

[S. O. 790, Amdt. 6 to Special Directive 25]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 25 (12

F. R. 8389; 13 F. R. 301, 407), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 25, be, and it is hereby amended by substituting paragraph 1 hereof for paragraph 1 thereof:

(1) To furnish to the mines listed below cars for the loading of The Central Railroad Company of New Jersey fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine:	*Cars for March 1948*
Katherine & Pepper	100
Linda	20
Cliff	40
Elk Hill	30
Roberta	50
Keeley	50
Henshaw	10
Riley	30
Millie	25
McCandlish	15
Galloway Nos. 2 & 3	100

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-2081; Filed, Mar. 8, 1948; 8:49 a. m.]

[S. O. 790, Amdt. 4 to Corr. Special Directive 26]

WHEELING AND LAKE ERIE RAILWAY CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 26 (12 F. R. 8282; 13 F. R. 301, 738), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 26, be, and it is hereby amended by changing paragraph 1 as follows:

Mine:	*Cars per day*
Fulton No. 4	2
Leesville	1

A copy of this amendment shall be served upon The Wheeling and Lake Erie Railway Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 1st day of March A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-2082; Filed, Mar. 8, 1948; 8:49 a. m.]

[S. O. 790, Amdt. 1 to Special Directive 28]

MONONGAHELA RAILWAY CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 28 (12 F. R. 8389), under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 28, be, and it is hereby amended by substituting paragraph 1 hereof for paragraph 1 thereof:

(1) To furnish daily to the Federal No. 3 mine two cars for the loading of The Central Railroad Company of New Jersey fuel coal from its total available supply of cars suitable for the transportation of coal.

A copy of this special directive shall be served upon The Monongahela Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-2083; Filed, Mar. 8, 1948; 8:49 a. m.]

[S. O. 790, Amdt. 2 to Special Directive 29]

WESTERN MARYLAND RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 29 (12 F. R. 8389; 13 F. R. 102) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 29, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof.

(1) To furnish during March 1948, to the Swamp Run mine twenty cars for the loading of Central Railroad Company of New Jersey fuel coal from its total available supply of cars suitable for the transportation of coal.

A copy of this amendment shall be served upon the Western Maryland Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-2084; Filed, Mar. 8, 1948; 8:49 a. m.]

[S. O. 790, Amdt. 2 to Special Directive 33]

WESTERN ALLEGHENY RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 33 (13 F. R. 162, 640) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 33, be, and it is hereby amended by substituting paragraph (1) hereof for paragraph (1) thereof.

(1) To furnish daily to the Brady No. 3 (Don Kaylor) two cars for the loading of Pennsylvania Railroad fuel coal from its total available supply of cars suitable for the transportation of coal.

A copy of this special directive shall be served upon the Western Allegheny Railroad Company and notice of this directive shall be given to the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 1st day of March A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-2085; Filed, Mar. 8, 1948; 8:49 a. m.]

[S. O. 807]

UNLOADING OF STEEL SASH AT BLOOMFIELD, N. J.

At a session of the Interstate Commerce Commission, Division 3 held at its office in Washington, D. C., on the 3d day of March A. D. 1948.

It appearing, the one car containing steel sash at Bloomfield, New Jersey, on The Erie Railroad, has been on hand for unreasonable length of time and that the delay in unloading this car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Steel sash at Bloomfield, New Jersey, on The Erie Railroad be unloaded.* The Erie Railroad Company, its agents or employees, shall unload immediately PRR 53584 containing steel sash now on hand at Bloomfield, New Jersey, on The Erie Railroad consigned to the Mahoney Croast Construction Company, held account strike.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 6, 1948, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with

the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-2079; Filed, Mar. 8, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10696]

BARBARA ENGLAND

In re: Estate of Barbara England, deceased. File D-28-9436; E. T. sec. 12623.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Schmidt and Lorenz Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $24.38 was paid to the Alien Property Custodian by D. A. Macpherson, attorney for the designated nationals in the Estate of Barbara England, deceased;

3. That the said sum of $24.38 was accepted by the Attorney General of the United States on September 22, 1947, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $24.38 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the nationals of a designated enemy country (Germany) named in subparagraph 1 hereof;

5. That Albert Michelbach, Maria Ockmann, Paulina Freitag, Amelia Hammerschmitt, nee Michelbach, Theresia Schmidt, nee Michelbach, Babetta Link, nee Freitag, and August Michelbach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

6. That the sum of $389.96 was paid to the Alien Property Custodian by Mary P. Lewis, Clerk of the Superior Court, County of Coconino, Arizona;

7. That the said sum of $389.96 was accepted by the Attorney General of the United States on September 22, 1947, pursuant to the Trading with the Enemy Act, as amended;

8. That the said sum of $389.96 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the nationals of a designated enemy country (Germany) named in subparagraph 5 hereof;

and it is hereby determined:

9. That to the extent that the persons named in subparagraphs 1 and 5 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2092; Filed, Mar. 8, 1948; 8:49 a. m.]

[Return Order 94]

EMMA MEIER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number; Notice of Intention to Return Published; Property

Emma Meier, New York, N. Y., Claim No. 5397; January 27, 1948 (13 F. R. 382); $1,876.23 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-2094; Filed, Mar. 8, 1948; 8:50 a. m.]

[1] Filed as part of the original document.